

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

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CHARLOTTE, N.C.

JUN 23 2011

Clerk, U. S. Dist. Court
W. Dist. of N. C.

FILED
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF NC

2011 JUN 23 P 4: 07

STEVEN T. SALVENDY, CLERK

BY: 

Leshonda Sims
PLAINTIFF,

VS.

COMPLAINT

EEOC charge #

430-2011-00131

CASE NO.

3:11CV 308

Windstream Communications
1720 Galleria Blvd.
Charlotte NC 28270

DEFENDANT(S).

Jennifer Buck / Josh Imhoff / Adam Covington /

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e(5). Equitable and other relief are also sought under 42 U.S.C. 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. Sections 1331, 1343 and 42 U.S.C. Sections 1981 et seq. Where employment discrimination is based upon age is alleged, jurisdiction is conferred by 29 U.S.C. Sections 626(c)(1) and 626(e) and appropriate relief is also sought.

B. PARTIES

1. Name of Plaintiff:
Address:

J. Leshonda Sims
6205 Red Rose Ct.
Charlotte NC 28269

2. Name of first Defendant: Jennifer Buck
Address: 1720 Gallenitz Blvd.
Charlotte NC 28270
7 28270

3. Name of second Defendant: Josh Imhoff
Address: 1720 Gallenitz Blvd.
Charlotte NC 28270

4. Name of fourth Defendant: Adam Covington
Address: 1720 Gallenitz Blvd.
Charlotte NC 28270

(Use additional sheets if necessary.)

Sue Intimer
1720 Gallenitz Blvd.
Charlotte NC 28270

C. NATURE OF CASE

1. The address at which I sought employment or was employed by the defendant(s) is:

1720 Gallenitz Blvd.
Charlotte NC 28270

2. The discriminatory acts occurred on or about:

Jan-2010 thru July-2010 (Month, Day, Year)

3. I filed charges with the Equal Employment Opportunity Commission regarding the defendant's discriminatory conduct on or about:

Oct. 15, 2010 (Month, Day, Year)

4. The Equal Employment Opportunity commission sent the attached "Notice of Right to Sue" which I received on:

March 26, 2011 (Month,Day,Year)
(Please attach the "Notice of Right to Sue" to this complaint.)

5. The discriminatory acts that are the basis of this suit are:

- a. _____ Failure to employ me.
- b. _____ Failure to promote me.
- c. ☒ Termination of my employment.
- d. _____ Demotion.
- e. _____ Denied equal pay/work.
- f. _____ Sexual harassment.
- g. _____ General harassment.
- h. ☒ Other acts (Be specific: Attach an additional sheet if necessary)

Race, retaliation which led to termination

6. Defendant's conduct is discriminatory with respect to:

- | | | | |
|--|----------|----------|--------------------|
| a. <input checked="" type="checkbox"/> | my race | d. _____ | my religion |
| b. _____ | my color | e. _____ | my national origin |
| c. _____ | my sex | f. _____ | my age |

7. I believe that the defendant is still committing these acts against me.

YES _____

NO ☒ _____

D. CAUSE OF ACTION

1. I allege that the defendant has discriminated against me and that the following facts form the basis for my allegations:

a. (1) Count I: Jan. 15, 2010

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

I was provided w/ a disciplinary action for
using cell evidence to miss scheduled training.
After I complained to H.R. the reason changed and I

b. (1) Count II: Jan. 27, 2010

- (2) Supporting Facts:

I was issued w/ a disciplinary action for
inappropriate conduct. It was stated I was
logged out for an extended period of time

E. INJURY

How have you been injured by the actions of the defendant(s)?

Yes, mentally & emotionally. I'm now in a financial
hard and have to struggle to maintain my household.
Also I ^{is} no longer have on own expense health insurance
so my medical conditions has worsened.

** See attached sheet **

D. Cause of action

A.

(2) cont.

was denied to hearing & recording of the call. I was also denied on being coached on how the call should have been handled.

B.

(2) cont.

which was under 4 min., and no calls were in que at the time of logging out. It was also stated I had two previous disciplinary actions in reference to this which was not true.

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES___ NO ✓

If your answer is "YES", describe each lawsuit. (If there are more than one lawsuits, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s):_____

Defendant(s):_____

2. Name of court and case or docket number:

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

4. Issues raised:

5. When did you file the lawsuit? _____

Date: Month/Year

6. When was it (will it be) decided? _____

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D?

YES _____ NO _____

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

back pay, plus pain and suffering and possible new
position.

JURY TRIAL REQUESTED

YES ☒ NO _____

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at 401 W. Trade St on 6-23-2011.
(Location) (Date)

clerk of court


Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lashonda Sims**
6205 Red Rose Court
Charlotte, NC 28269

From: **Charlotte District Office**
129 W. Trade Street
Suite 400
Charlotte, NC 28202

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

430-2011-00131**Christina S. Dodd,**
Investigator**(704) 954-6489****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

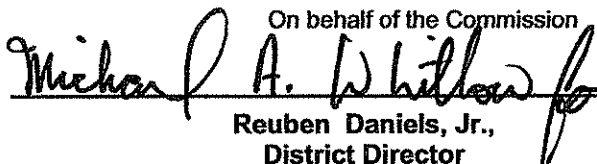
Other (briefly state)

- NOTICE OF SUIT RIGHTS -*(See the additional information attached to this form.)*

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

Reuben Daniels, Jr.,
District Director

MAR 22 2011*(Date Mailed)*

cc:

Georgia Robinette
4001 Rodney Parham Drive
1170-B1F02-93
Little Rock, AR 72212